

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Certified Mail #7002 1000 0004 8897 1971
Return Receipt Requested

In the Matter of)	
)	
New Wave Broadcasting, L.P.)	File No. EB-04-HL-035
Licensee of FM Broadcast Station KHUI)	
4150 Pinnacle)	NOV No. V20043286012
El Paso, TX 79902)	
)	
)	

NOTICE OF VIOLATION

Released: July 7, 2004

By the Resident Agent, Honolulu Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to New Wave Broadcasting, L.P., licensee of FM broadcast station KHUI.

2. On July 1, 2004, an agent of the Commission's Honolulu Office monitored the transmissions of FM broadcast station KHUI on 99.5 MHz, and observed the following violation:

47 C.F.R. § 11.61(a)(1)(v): "Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code...must be retransmitted within 60 minutes of receipt by broadcast stations...in an EAS Local Area or State." KHUI did not retransmit the July Required Monthly Test (RMT) complete and in its entirety. On July 1, 2004, at approximately 11:24AM HST, KHUI rebroadcast the RMT EAS header codes, and then resumed regular programming. Then at 11:39AM HST, the station interrupted programming to rebroadcast the RMT EOM code and once again resumed regular programming. The audio test script was not transmitted.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, New Wave Broadcasting, L.P. must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Honolulu Office
P.O. Box 971030
Waipahu, Hawaii 96797-1030

4. This Notice shall be sent by certified mail, return receipt requested, to New Wave Broadcasting, L.P., 4150 Pinnacle, El Paso, TX 79902.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Ryan Hagihara
Resident Agent
Honolulu Office
Western Region
Enforcement Bureau

Cc: Radio Station KHUI
New Wave Broadcasting, L.P.
1833 Kalakaua Avenue, Suite 500
Honolulu, HI 96815

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*